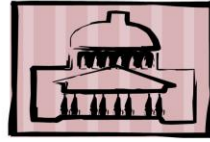




This training provides guidance on the basic nondiscrimination requirements for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and the WIC Farmers Market Nutrition Program (WIC FMNP), programs of the United States Department of Agriculture (USDA).

PURPOSE

- All local agencies must comply with USDA regulations on nondiscrimination and the following requirements:



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The purpose of the training is to review regulations and policies to ensure nondiscrimination and equal opportunity in service delivery in accordance with State and Federal laws.

In addition, each employee should understand what the civil rights policies mean in providing WIC or WIC FMNP services to our participants and how to effectively accomplish their job- related tasks within the framework of nondiscrimination.

Read the text of the slide next.

Civil Rights



- Several laws were enacted from 1964 to 1990 addressing various components of Civil Rights

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Read the slide

No person can be denied benefits
based on



- Race
- Color
- National Origin
- Age
- Sex
- Disability



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Read the slide. These six areas are referred to the Federally protected classes. Denying a person WIC or WIC FMNP benefits because of one or more of these classes is discrimination.

Additional Montana Protected Classes

- Montana also protects a person from discrimination based on:

- ❖ Religion
- ❖ Creed
- ❖ Political ideas (only in the provision of governmental services or governmental employment)
- ❖ Marital status
- ❖ Age
- ❖ Physical or Mental Disability
- ❖ Race/National Origin
- ❖ Color
- ❖ Sex (including pregnancy, maternity, sexual harassment)
- ❖ Familial Status (housing only)
- ❖ Retaliation (for engaging in a protected activity)



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For additional information, please visit the following site.
<http://erd.dli.mt.gov/human-rights>

Additional Montana Protected Areas

- The Montana Human Rights Bureau investigates complaints of discrimination filed in the following protected areas:
 - Employment
 - Housing
 - Education
 - Public Accommodations
 - Credit/Finance/Insurance (Sex and marital status only)
 - State and local governmental agency (or municipality)



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For additional information please visit the follow site.
<http://erd.dli.mt.gov/human-rights>

Race/National Origin (Ethnicity):

- Race refers to people of the same ancestry
- National Origin refers to the ethnic background



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Read text of slide.

Racial/Ethnic Data

- Is collected by each local agency on the Demographics screen in the WIC Information
- System Data is used to generate reports required by the Federal and State Governments



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Read text of slide. Self-identification is the preferred means of obtaining information about an individual's race and national origin. Staff will help determine race and national origin if necessary. Clearly explain that the information is only for statistical use by USDA and will not be used for any other purpose. It has no effect on eligibility.

National Origin is reported as...



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Read text of slide.

Either



- Hispanic or Latino—meaning a person of Cuban, Mexican, Puerto Rican, South or Central America, or other Spanish culture or origin regardless of race.
 - The term “Spanish origin may also be used.
- Non-Hispanic or Non-Latino



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Race/National Origin Identification:

- A pull-down menu is available in M-SPIRIT to select national origin/ethnic background and race(s)



- Ask the person their country of birth to identify ethnic background

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Read text of slide.

Race is reported as...



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Read text of slide.

5 Racial Categories

- **American Indian or American Native** – person who has origins in any of the original peoples of North, Central, or South America and who maintains tribal affiliation or community attachments
- **Asian** – person with origins in any of the original people of the Far East, Southeast Asia, Indian subcontinent, i.e. Cambodia, China, India, Japan, Korea, Pakistan, Philippines, Thailand



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5 Racial Categories (cont.)

- **Black** – person with origins in any of the Black racial groups in Africa; Terms such as “Haitian”, “Negro” or “African American” may also be used
- **Native Hawaiian or Pacific Islander** -- person with origins in any of the original people of the Hawaii, Guam, Samoa or other Pacific Islands
- **White** – person with origins in any of the original peoples of Europe, the Middle East, or North Africa



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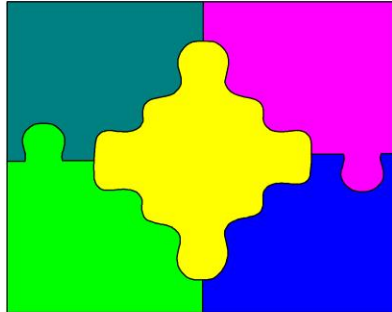


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Choices

WIC and FMNP participants may chose:

- One ethnic background for national origin; and
- One or multiple races



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ADA-Americans with Disabilities Act:



Guarantees equal opportunity for individuals with disabilities in:

- employment
- public services
- public transportation
- public accommodation, and
- telecommunications.



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Read text of slide. At your local WIC clinic, you should be reviewing the location for barriers to services for disabled individuals. To provide WIC or WIC FMNP services you should make reasonable accommodations and if the barriers can not be overcome, then an alternate means of service delivery should be found. Local programs are asked how to file a civil rights complaint during the monitoring review of local WIC and WIC FMNP Programs

The monitoring of farmers includes a review of access at the site and at the various authorized farmer booths. Participants and farmers are asked in the WIC FMNP surveys for the perception of services and if they felt they were treated differently than others and why they felt this way.

Individual with Disabilities

Person who has a physical or mental impairment which substantially limits one or more major life activities, has a history or record of such an impairment, or is perceived by others as having such an impairment.



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Read text of slide.

A person with disabilities may need reasonable accommodation. Reasonable accommodation is a response to a client's capabilities.

The WIC Program may redesign equipment, reassign classes or services to accessible buildings, provide interpreters for hearing impaired clients, or Braille or taped material for blind clients. The WIC clinic may alter a facility (provided funds are available) to provide wheelchair access, give service in another location, or provide access in some other way that meets client's needs.

Records

- Records include racial/national origin data, participant eligibility records and forms, participant civil rights complaints and logs.
- Records must be kept for 8 years after close-out of the federal fiscal year in which the client was terminated (Montana determined time)
- Safeguards must be maintained that prevent the use of this information for discriminatory purposes



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1st Bullet: This also includes records of discrimination complaints and these complaint follow-up.

2nd Bullet: As long as there are no questionable audit findings or an open Management Evaluation covering this time period.

Compliance Monitoring

- Required to assure WIC and WIC FMNP are administered in compliance with civil rights requirements.
- The State reviews local programs.
- Local programs review subcontractors and WIC FMNP authorized farmers.
- Records are reviewed.
- Interview questions are asked.



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When we think of discrimination, we often think of race, but there are other factors such as age, disability and nationality on which a person may be discriminated. Compliance monitoring is used to assure us that WIC and WIC FMNP are providing services in a non-discriminatory manner. This includes not only who is determined eligible, but also applicants and how they can access our services.

USDA reviews us in the Management Evaluation, we review you in our monitoring visits and you review your subcontractors in monitoring visits.

Compliance Monitoring

During the review, records are checked, questions are asked and observations are made to obtain the information to assess civil rights compliance.



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Much of this information can be obtained from well maintained clinic records. Other information may be observed, especially barriers to service. It may also be obtained through “ask and answer” sessions with such questions as “If you receive a civil rights complaint, what do you do?”

Compliance Monitoring

In addition WIC FMNP looks at:

- Farmer applications for information about accessibility for persons with disabilities.
- Review farmer monitoring reports for accessibility issues.
- Survey responses about perception of treatment at the farmer booth/stand/stall.



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WIC FMNP will also look at how the farmer and participant are treated not only by the WIC clinic, but also by other farmers and the farmer serving the participant. Review of the applications, monitoring reports and surveys provide a lot of this information.

Non-Compliance



Non-compliance found during routine monitoring and its responsibility for correction:

- SA responsibilities = specific actions for reporting, tracking and ensuring requirements
- LA and clinic responsibility = bring practices into compliance

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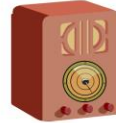
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Public Notification:



- Newspaper articles

- Radio/Television



- Pamphlets/Fliers

- Grassroots organizations



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At least annually local agencies must publish information about the WIC Program in local newspapers. The State Office will publish the notices for local WIC FMNPs.

Non-Discrimination



- All materials must contain the non-discrimination statement that no person will be denied program benefits on the grounds of race, color, national origin, age, sex, or disability

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Read text of slide.

Non-Discrimination Statement

Full
State-
ment:

The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal and, where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or if all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)
(continued)

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Read text of slide. This statement may be used in either program. Local programs, Farmers' Markets and Farmers may not discriminate against WIC participants based on any of the protected classes.

If the issue relates to the protected classes specific to Montana, they are reported to Montana Human Rights Commission, PO Box 1728, Helena, MT 59624.

Non-Discrimination Statement (con.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

(continued)

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Non-Discrimination Statement (con.)

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

USDA is an equal opportunity provider and employer.

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Non-Discrimination Statement

Min-
imum
State-
ment:

If the material is too small to permit the full statement to be included, at a minimum include one of the following statements, in print no smaller than the text that...

- “WIC is an equal opportunity provider” or
- “This institution is an equal opportunity provider”.

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“This institution is an equal opportunity provider is the minimum statement of choice per Federal regulation.”

Remember, the text of the non-discrimination statement may not be in a smaller size or font than the text used in the document.

Web Address

- For further information, civil rights check out the following web site:

www.ascr.usda.gov

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Non-Discrimination Statement

- Found on Right and Responsibility form and in the participant version of the Program Booklet
- MUST be read to or read by each participant or authorized representative/ co-caretaker at each certification
- Must be signed by participant or authorized representative



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“Rights and Responsibilities” form must be read to or read by each participant or authorized representative at each certification and must be signed and dated at certification. Since WIC FMNP participants are WIC participants, they should have read or been read the statements on these two documents.

Non-Discrimination Poster

- Non-discrimination poster **MUST** be displayed in a prominent place at all sites - including out-lying clinics and satellite sites, for example, in the lobby or waiting area



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Read text of slide.

Examples of Discrimination:

- Certification of potentially eligible persons based solely on race, color, national origin, age, sex, or disability



- Inequitable service or allocation of WIC or WIC FMNP checks based on the above
- Issuance of WIC or WIC FMNP checks in a place, time, or manner that results in denying or limiting benefits to a specific group

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Examples:

While children over age 5 can not receive benefits, this is not discrimination in that the regulations specifically state the categorical groups eligible for services.

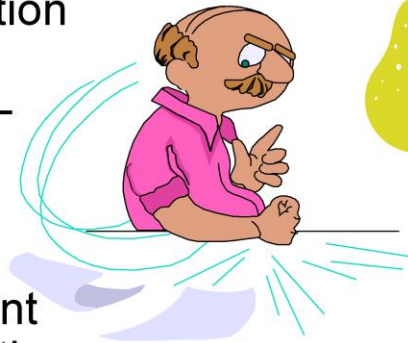
Can not require all Spanish speaking people to come in on the first Tuesday of the month. Even though this may be the day the interpreter is present, you can not require or limit days of service based on a person's race/national origin. You can recommend that day of the month because the interpreter is available, but not require them to attend on that day.

Selecting sites or facilities, or relocating in a manner that denies an individual access to program benefits, assistance or services on the covered bases is considered a discriminatory practice.

Such actions that limit or reduce access may not be discrimination, but creates a barrier to participation and maybe perceived as discrimination. This is more subtle but has the same effect on participants.

Right to File a Complaint

- Any person or representative alleging discrimination on the basis of the protected classes – race, color, age, national origin, sex, disability - can file a complaint within 180 days of the alleged discriminatory action



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There is a Civil Rights Complaint form for WIC and a WIC FMNP Civil Rights Log Form that should be completed if you get a complaint.

Inform the Complainant



- The complainant must be advised that the complaint and information will be kept confidential.
- It will be encouraged that the complaint will be resolved at the lowest possible level and as quickly as possible.

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ALL CIVIL RIGHTS COMPLAINTS WILL BE ACCEPTED:

- Written
- Oral
- Anonymous



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Read the test slide.

Anonymous complaints will be handled to the best of our ability based on the information provided.

Information needed:

- Complainant's
 - » Name
 - » Address
 - » Telephone number
- Location where discrimination occurred
- Nature of the incident
- Basis for the claim-race, color, age, disability, national origin, or sex
- Names of witnesses
- Dates when action(s) occurred



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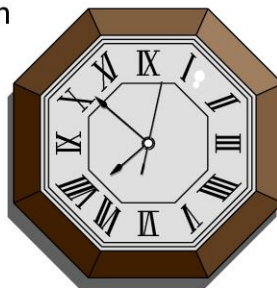
36

For written, verbal, or anonymous complaints, it is necessary that the information obtained be sufficient to determine the identity of the agency or individual toward whom the complaint is directed, and to indicate the possibility of a violation. Only the federal representatives may reject a complaint on the basis of lack of merit. Every effort will be made to have the complainant provide the following information about the alleged discriminatory action.

Next read the text of the slide.

What WIC Staff Are To Do

- Notify the WIC Coordinator immediately
- Provide forms for written complaints OR
- Take detailed notes of oral complaints and complete the form
- Complaints must be reported immediately
- Be aware of timeframes.



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Read text of slide first.

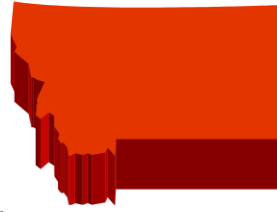
Verbal or Oral Complaints - In the event a complainant makes the allegations verbally or through a telephone conversation and refuses or is not inclined to place such allegations in writing, the person to whom the allegations are made will write up the elements of the complaint for the complainant. Verbal complaints will be accepted and forwarded immediately upon receipt. Complaints must be forwarded immediately to the State Office. Any complaints will be forwarded by the State Office to USDA. A person making a complaint may file it directly to the Office of Civil Rights at USDA, but any complaint received at the WIC office for either WIC or WIC FMNP must be accepted and forwarded immediately.

Written Complaints - Written complaints will be accepted and forwarded immediately upon receipt.

All civil rights complaints received by the local agency staff must be reported to the appropriate state WIC office staff by telephone immediately with written follow-up to the state WIC office within 5 days. The state

WIC office will follow up with USDA within 5 days following receipt of the written local agency report to ensure their receipt of the complaint.

Complaints Involving Montana Civil Rights



- Protects from discrimination based on religion, creed, political ideas and marital status;
- Must be reported within 180 days of the alleged discrimination;
- Collect the same information;
- Will be forwarded to the Montana Human Rights Commission, PO Box 1728, Helena, MT 59624

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Complaints involving the additional protected classes in Montana, religion, creed, political ideas and marital status must be forwarded to the State Office. These complaints will be sent to the Montana Human Rights Commission who will investigate them.

In addition, if a breastfeeding woman feels she has been discriminated based on sex/gender by her state, county, municipal, school district or university employer with regard to breastfeeding or pumping in the workplace, she may file a complaint with the Montana Human Rights Commission.

Complaint Log

- WIC and WIC FMNP have civil rights complaint logs
- Any civil rights complaint should be included in the log for tracking purposes
- Local agencies document all follow-up with the State Agency, complainant or investigator until a resolution has been reached.



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WIC and WIC FMNP have civil rights complaint logs. This form gives a brief overview of the complaint and any action taken to resolve it. More detailed information about the complaint must be maintained in the participant's file.

Program Eligibility Complaint

- Complaints concerning program eligibility are generally issues for fair hearings
 - discuss the matter with individual
 - explain the eligibility criteria

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Complaints concerning program eligibility are generally issues for fair hearings (not based on the civil rights protected classes). If a complaint regarding program eligibility is made, local agency staff (WIC Coordinator or her/his designee) will, if appropriate, discuss the matter with the individual and explain the eligibility criteria, especially income eligibility and nutritional risk factors.

What You Can Do to Prevent Civil Rights Complaints

- Treat all WIC and WIC FMNP participants fairly and in the same manner.
- Reduce barriers to service that limit participation by persons with a disability or language issue.



- Train others on good customer service.

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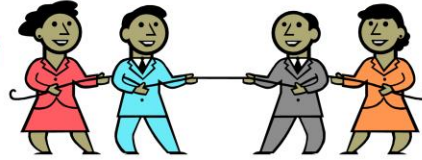


Treat all participants fairly. Treat them the same no matter who they are, what their race, color, national origin, sex, age or disability may be. Treat them the same no matter what their religion, creed, political ideas or marital status may be.

The local agency is responsible for providing interpreter services, contact the State Office for resources. Check with Qwest for TDD relay services or contact the State Office.

WIC Works contains a customer service module which can be used via the internet.

Conflict Resolution



- The first priority:
follow the formal process and requirements.
- The second priority: check if anything could have
been done differently.
- Many complaints are because of
 - Ineffective communication
 - Lack of customer service
 - Misunderstanding of requirements

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The first priority when receiving a civil rights complaint is to follow the formal process and requirements for submitting the complaint to USDA or MT Human Rights Network. The second priority is to check if anything could have been done differently. What about the treatment could the participant perceive as discrimination? Does staff need training?

Conflict Resolution (cont.)

Training can provide staff with the skills to resolve conflict.



- VENA Principles for Rapport Building
 - Customer service principles
 - reflective listening (OARS or 3 Step Counseling)
 - Cultural diversity
- WIC Works Resource
 - Online Modules, Lesson 1

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Skills to improve customer service and communication will reduce misunderstandings and misperceptions. Recent Value Enhanced Nutrition Assessment trainings are applicable to prevent conflicts. In 2007 training was offered in customer service by Becky Warren. Kim Mondy provided training on the OARS (opened questions, affirmations, reflective listening and summarizing). In 2008, Calvin Morgan provided training on cultural diversity. All of these, with practice, can improve your skills and reduce conflicts. The DVD of the 2007 training is available in your local agency if you need to review it.

WIC Works Resources also has an online module on customer service. With internet access you can take this module. Other companies offer training on customer service and appear in Montana in several locations.

In conclusion, to treat all participants equitably, practice your communication skills and apply them and be willing to serve our participants.

If you have questions please contact the State WIC Office.

CIVIL RIGHTS



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